

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION
MARCH 20, 2013**

Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice-Chair Lloyd Kaufman, Commissioners Matthew Hopkins, Geri Lanier, Danny Winborne, and Joseph Coratola (Alternate), Planning and Code Administration Director John Schlichting, Planning Director Lauren Pruss, Community Planning Director Trudy Schwarz, Long-Range Planning Lead Rob Robinson, Planning Technician Greg Mann, and Recording Secretary Myriam Gonzalez. Chair Bauer noted Alternate Commissioner Coratola would not actively participate this evening, since all Commissioners were present.

I. APPROVAL OF MINUTES

February 6, 2013, Planning Commission Meeting

Commissioner Lanier moved, seconded by Commissioner Hopkins, to APPROVE the Minutes of the February 6, 2013, Planning Commission Meeting, as submitted.

Vote: 3-0-2 (Abstained: Kaufman and Winborne)

II. CONSENT ITEM

AFP-1814-2013 -- 9 Maryland Avenue R-90 Zone
699-Sq.Ft. Detached 2-Car Garage
AMENDMENT TO FINAL PLAN REVIEW

Vice-Chair Kaufman moved, seconded by Commissioner Winborne, to APPROVE the Consent Agenda.

Vote: 5-0

III. RECOMMENDATIONS TO MAYOR AND COUNCIL

SDP-1641-2012 -- VII Crown Farm Owner, LLC c/o Sunbrook Partners
Request for approval of Schematic Development Plan SDP-1641-2012, per annexation X-182 and Sketch Plan Z-315, located in the Crown Property Neighborhood 3 (Parcels 833) in Gaithersburg, Maryland. The subject application proposes a community Home Owners Association (HOA) facility and amenity park. The subject property site is bordered by Decoverly Drive and Crown Park Avenue.

Commissioner Hopkins recused himself from this review due to a possible conflict of interests.

Long-Range Planning Lead Robinson stated that a joint public hearing with the City Council on this proposal for a 2.35-acre HOA facility for Neighborhoods 2 and 3 was held on February 4, 2013. He briefly listed the aspects of the proposal discussed at the public hearing, and noted the Commission's record closed on March 14. He voiced staff's recommendation for approval

with a condition as listed in the Staff Analysis of this application. Mr. Robinson located the property on an aerial photograph and briefly noted the minor revisions to the plan, based on comments made at the public hearing.

He answered Chair Bauer's question regarding the street design. The Commission had no further comments and moved as follows:

Vice-Chair Kaufman moved, seconded by Commissioner Winborne, to recommend to the City Council APPROVAL of SDP-1641-2013, with the following condition:

1. Applicant is to receive approval of the photometric and lighting plan, turning radius and the pavement and marking plans by the Department of Public Works prior to the issuance of site development permits.

Vote: 4-0

ASK-1746-2013 -- CarMax Auto Superstores

Request to amend the Sketch Plan for 13.66 acres of land in the MXD (Mixed Use Development) Zone, in accordance with § 24-198 of the City Code. The plan proposes a 25,000- square foot Automotive Sales Center and a 225,000-square foot Office/Commercial Building. The property is located at 16331 Shady Grove Road in the City of Gaithersburg, Maryland.

and

SDP-1747-2013 -- CarMax Auto Superstores

Request for approval of Schematic Development Plan SDP-1747-2013, in conjunction with Amendment to Sketch Plan ASK-1746-2013. The property is located at 16331 Shady Grove Road in the City of Gaithersburg, Maryland. The plan proposes a 25,000-square foot Automobile Sales Center on 13.66 acres of land located in the MXD (Mixed Use Development) Zone.

Community Planning Director Schwarz located the property, noting the sketch and schematic development plan area. She voiced staff's recommendation for approval of the above-referenced applications. She referenced the Final Staff Analysis of these applications, read the modified conditions recommended for approval of the schematic development plan, and provided a brief explanation concerning those modifications.

Chair Bauer and Commissioner Winborne voiced a concern with Condition 3 in terms of setting an undesired precedent by including a sign specification so early in the process when details of the plan are unavailable. Following discussion and further clarification by staff, Chair Bauer considered the condition acceptable with a modification as listed in the motion below.

Commissioner Hopkins moved, seconded by Commissioner Winborne, to recommend to the City Council APPROVAL of ASK-1746-2013.

Vote: 5-0

Commissioner Hopkins moved, seconded by Commissioner Lanier, to recommend to the City Council APPROVAL of SDP-1747-2013, with the following conditions:

1. Prior to final site plan, the applicant shall work with City and County staff to finalize the requirements of the January 29,

2013, letter and March 20, 2013, e-mail from Montgomery County Department of Transportation (MCDOT);

2. Prior to the issuance of a site development permit, the applicant shall obtain a permit from Montgomery County for the construction of an eight-foot sidewalk parallel to Shady Grove Road as required by MCDOT;
3. The style of monument sign may be allowed to be twelve (12) feet in height from the finished grade of the street as shown in Exhibit #17 of SDP-1747-2013, subject to Planning Commission approval at Final Site Plan; and
4. The parking aisles in the vehicle display area shall be allowed to be twenty (20) feet in width as shown on Exhibit #49.

Vote: 5-0

IV. SITE PLANS

AFP-1668-2012 -- Sheehy Ford C-2 Zone
901 North Frederick Avenue
3,073-Sq.Ft. Showroom Addition
AMENDMENT TO FINAL PLAN REVIEW

Planner Seiden located the property that is the subject of this application, which includes a request for a one-foot waiver of the required (26') drive aisle width in front of the dealership.

Engineer for the applicant, Brian Donnelly, Macris, Hendricks and Glascock, noted the proposed addition is within the allowed Floor Area Ratio (FAR), indicated there are no site access changes, and trip generation is minimal. He further noted the plan does not need revisions to existing stormwater management and forest conservation area due to the small area of disturbance. He indicated the staff-proposed conditions for approval are acceptable to the applicant.

Architect for the applicant, Thomas Flanagan, Flanagan Architects, AIA, noted the reason for the proposed addition, and presented sample materials and renditions of the proposed architectural design.

There was no testimony from the public.

Planner Seiden voiced staff's recommendation for approval, as the plan meets the Zoning Ordinance approval criteria, subject to the applicant's compliance with the conditions listed below. The Commission voiced no concerns and moved as follows:

Vice-Chair Kaufman moved, seconded by Commissioner Lanier, to grant AFP-1668-2012 - Sheehy Ford, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170, 24-172A and 24-222A, with the following conditions:

1. Applicant is to submit a sign package for Planning Commission approval in accordance with City Code § 24-212(b), prior to final building permit inspection;

2. Applicant is to receive a one-foot waiver of the 26-foot drive aisle requirement from the Planning Commission; and
3. Applicant is to work with Department of Public Works on revising site plan notes and details for greater clarity.

Vote: 5-0

Vice-Chair Kaufman moved, seconded by Commissioner Lanier, to grant AFP-1668-2012 - Sheehy Ford, a PARKING WAIVER of one foot of the required drive aisle width.

Vote: 5-0

AFP-1892-2013 -- Brighton West Condominium III R-20 Zone
West Side Drive
Additional Parking and Restriping of Lot
AMENDMENT TO FINAL PLAN REVIEW

Planning Technician Mann located the property which is the subject of this application to include six new parking spaces within an existing parking island, and add six more spaces elsewhere in the parking lot through restriping. He indicated the application includes two parking waiver requests, namely, of the required drive aisle width and of the double striping requirement for new parking stalls. Mr. Mann noted the existing lot consists of single-stripe parking and a drive aisle width of 21.4' (22' required).

Brighton West III Condominium Association President Dia Starcher, applicant, read a statement that provided background regarding the parking provisions in the community and the basis for their concerns with staff's condition for compliance with the double-striping requirement. She pointed out the plan before the Commission this evening shows the spaces in front of 874 through 858 West Side Drive to be restriped to nine feet in width, which is not proposed by the applicant. She indicated the applicant intended for these spaces to remain unaltered.

The following was testimony from the public:

Christine Gaither, 826 West Side Drive; and Naginder Singh, 824 West Side Drive, Section II residents, stated they still do not have parking in front of their houses and the subject plan does not address this issue.

Chair Bauer pointed out the property line between Sections II and III is between their house locations and the parking in front of them. He noted that an agreement was sought to no avail for a cross easement between the two private properties, adding that this issue is not within the Commission's purview. Community Planning Director Schwarz also pointed out the Planning Commission approved the entire original site plan, but was not involved in setting up the condominium regime.

Planning Director Pruss voiced staff's recommendation for approval of the plan amendment as well as the waiver of the drive aisle width. She indicated staff does not support the applicant's request for a waiver of the double striping. Mrs. Pruss noted that staff has no objection to deferring a decision on this application to further work with the applicant on the restriping of parking in front of Units 874-858 West Side Drive.

Chair Bauer pointed out the entire parking for the community is consistently single-striped and questioned the advisability of adding to the complexity of the parking situation by double-striping the parking spaces under consideration. Commissioner Hopkins noted the applicant has demonstrated sufficient hardship in complying with the required parking module

dimensions; however, there is insufficient basis for a waiver of double striping all new parking. The Commission moved as follows:

Commissioner Winborne moved, seconded by Vice-Chair Kaufman, to grant AFP-1892-2013 - Brighton West Condominium III, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170 and 24-172A, with the following conditions:

1. The site plan shall be modified to provide wall details (elevation and section), wheel stop detail/specs, and show top and bottom of wall elevations.
 2. Should either of the existing trees within the adjoining green spaces die as a result of construction, the applicant shall replace the tree with a shade tree of similar species measuring a minimum 2.5 inch DBH; and
 3. Applicant must double stripe all new parking.
- Vote: 5-0

Commissioner Winborne moved, seconded by Commissioner Lanier, to grant AFP-1892-2013 - Brighton West Condominium III, a PARKING WAIVER of 2.6 feet of the required drive aisle width for the adjoining drive aisles.

Vote: 5-0

Chair Bauer noted more work is needed between the two homeowners associations.

V. FROM THE COMMISSION

Commissioner Winborne

Commended Community Planning Director Schwarz and Planner Seiden for their professionalism, expertise and high-quality customer service in resolving a long-standing issue.

Commissioner Hopkins

Encouraged participation in upcoming informational conferences by planning institutions on new planning technologies.

Vice-Chair Kaufman

Recommended pursuing the increase of biking linkages from the City to Shady Grove Metro Station. Community Planning Director Schwarz briefly provided information on current construction relating to the master planned pathway connection network.

Commissioner Lanier

Noted the incidence of vehicular accidents at the Great Seneca Highway/Lakelands Drive intersection. Planning and Code Administration Director Schlichting cited current efforts to improve traffic safety and efficiency along Great Seneca Highway.

Alternate Commissioner Coratola

Reported attending the National Facilities Management & Technology (NFMT) Conference, March 12-17, 2013, and encouraged visiting their website at www.nfmt.com to learn of new programs for green initiatives and parking elements, among others.

VI. FROM STAFFPlanning Director Pruss

Introduced Planning Technician Greg Mann.

Community Planning Director Schwarz

Listed the dates for the next regular meeting (April 17), the State of the City Dinner (April 11), the Planning Commissioner Webinar (April 13), and a joint public hearing with the City Council on April 15.

Planning and Code Administration Director Schlichting

1. Thanked Commissioner Winborne for his kudos to staff, noting the Department's staff's professionalism and high level of customer service.
2. Provided updates on the City's possible participation in the County's Common Ownership Communities Program, MedImmune's amendment to their annexation agreement, the Frederick Avenue Corridor study, and 315 East Diamond Avenue/Fishman property.
3. Reported the City has been certified as a Sustainable Maryland Municipality.

VII. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 9:20 p.m.

Respectfully submitted,



M. Gonzalez
Recording Secretary